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5 **Attorneys for Secured Creditor,**  
6 **WACHOVIA MORTGAGE**

7 **UNITED STATES BANKRUPTCY COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **OAKLAND DIVISION**

10 In re: ) Bankruptcy Case No. 09-48725  
11 REFUGIO GUIZAR RIOS, ) Chapter 13  
12 ) **OBJECTION TO CONFIRMATION OF**  
13 ) **CHAPTER 13 PLAN**  
14 Debtor. ) MEETING OF CREDITORS:  
15 ) DATE: November 05, 2009  
16 ) TIME: 12:00 PM  
17 ) PLACE: Oakland U.S. Trustee Office  
18 )  
19 )

20 **TO THE HONORABLE LESLIE J. TCHAIKOVSKY, UNITED STATES BANKRUPTCY**  
21 **COURT JUDGE, THE CHAPTER 13 TRUSTEE, THE DEBTOR'S COUNSEL AND THE**  
22 **DEBTOR:**

23 Wachovia Mortgage ("Wachovia") is the holder of a secured claim recorded against property  
24 in which the Debtor has an interest. Wachovia is, therefore, a party in interest and has standing to  
25 object to the Debtor's Chapter 13 Plan.

26 Wachovia is the holder of a claim secured only by a security interest in real property  
27 commonly known as 7630 Ney Avenue, Oakland, California. The total amount that is due and  
28 owing under the Promissory Note is \$368,731.29 and the pre-petition arrearage owed is \$26,198.25.

1 A true and correct copy of Wachovia's Proof of Claim is attached and incorporated as Exhibit "1."  
2 Wachovia objects to the Debtor's Plan on the following grounds:

3 The Debtor's Plan fails to provide that post-petition monthly mortgage payments are to be  
4 tendered to Wachovia by the Debtor outside the Plan. The Plan also does not provide for the curing  
5 of the pre-petition arrears owed. See Exhibit "1" attached hereto. As the Plan does not provide for  
6 payment of the secured claim, the Plan does not satisfy §1322 or §1325.

7 Based on the foregoing, Wachovia respectfully requests that the Court deny confirmation of  
8 the Debtor's Chapter 13 Plan or order that the Chapter 13 Plan be amended to provide for payments  
9 of Wachovia's pre-petition arrearages and post-petition monthly mortgage payments.

10 DATED: November 07, 2009

Respectfully Submitted,

11 MALCOLM CISNEROS, A Law Corporation

12  
13 /s/William G. Malcolm  
14 WILLIAM G. MALCOLM  
15 Attorney for Secured Creditor,  
16 WACHOVIA MORTGAGE  
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I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 2112 Business Center Drive, Second Floor, Irvine, California, 92612.

Refugio Guizar Rios  
3715 International Blvd.  
Oakland, CA 94601

Steven L. Jacobs  
14895 E. 14<sup>th</sup> St. #390  
San Leandro, CA 94578

Martha G. Bronitsky  
P.O. Box 5004  
Hayward, CA 94540

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 07, 2009, at Irvine, California.

*Keri Livingston*  
/s/ Keri Livingston  
KERI LIVINGSTON